IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18327 of 2000

Dated: 20-06-2007

Between:

Shankaraguptam Cooperative Collective Farming Society,
Shankaraguptam,
Malkipuram Mandal,
East Godavari District,
Rep. by its President Sri Ganta Sampath Rao.

... Petitioner

and

1. The District Collector, East Godavari District,
   Kakinada and 2 others.

.. Respondents

ORDER:

Petitioner is a Society registered under the Andhra Pradesh Cooperative Societies Act, 1964. It is stated that an extent of Acs.268.15 cents was assigned to the members of the Society vide proceedings in Rc.LD/39/70, dated 18-04-1961 and they are in continuous possession of the same. Subsequently, in addition to the assigned land another extent of Acs.104.21 cents was also assigned

in favour of the members of petitioner Society vide proceedings in R.Dis.LD8/79, dated on 04-01-1970. Thereafter, petitioner Society gave an application, requesting respondents to assign an extent of Ac.109.00 in addition to the earlier assignments. But, however, first respondent – District Collector by his order in Ref.(L5)/8416/86, dated 11-05-1993 informed that the lands cannot be assigned afresh in view of the regulation regarding usage of the land within 500 meters of the sea.

2. The grievance of petitioner is that though first respondent has clearly stated that the said land cannot be assigned, now second and third respondents are trying to assign the very same land in favour of the members of another Society, viz., All Castes Society. Hence, petitioner approached this Court and filed the present writ petition.

3. Despite the fact that respondents were served with notice, they have not chosen to file any counter affidavits.

4. Having heard learned counsel for petitioner, it is clear that the said action on the part of respondents 2 and 3 is contrary to the orders dated 11-05-1993 passed by first respondent. When once it is clear that the said land cannot be assigned afresh in view of the regulation regarding the usage of the land within 500 metres of the sea, it is not known as to how respondents 2 and 3 are trying to assign the very same land in favour of the members of another Society.

5. Accordingly, the writ petition is allowed and respondents are hereby directed not to assign the said land in favour of the members of All Castes Society, as it is within 500 metres of the sea. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.20-06-2007
GLV